



Katherine K. Mudge
Executive Vice President & General

3415 Greystone Dr., Suite 300
Austin, Texas 78731

+1 303 290 7676 phone
+1 408 351 4951 fax
katherine.mudge@globalcapacity.com

February 29, 2016

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Suite TW-A325
Washington, DC 20554

RE: Annual CPNI Certification; EB Docket No. 06-36 – GC Pivotal, LLC d/b/a Global Capacity

Dear Secretary Dortch:

Pursuant to Section 64.2009(e) of the Commission's rules and the Public Notice dated February 5, 2014, enclosed for filing in the above-referenced docket is the executed annual CPNI certification for GC Pivotal, LLC d/b/a Global Capacity. Attached to the certificate is a summary of the Company's CPNI policy.

Please contact me if you have any questions regarding this filing.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Katie", is placed above the printed name.

Katherine K. Mudge
EVP & General Counsel

Encl.

Annual 47 C.F.R. § 64.2009(e) CPNI Certification
EB Docket 06-36

Annual 64.2009(e) CPNI Certification for 2016 covering the prior calendar year 2015

Date filed: February 29, 2016

Name of company(s) covered by this certification and Form 499 Filer IDs: GC Pivotal, LLC

Form 499 Filer IDs: 828705

Name of signatory: Katherine K. Mudge

Title of signatory: Executive Vice President & General Counsel

Certification:

I, Katherine K. Mudge, certify that I am an officer of GC Pivotal LLC d/b/a Global Capacity ("Global Capacity" or "Company") and acting as an agent of the Company, that I have personal knowledge that the Company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See* 47 C.F.R. §§ 64.2001 *et seq.*

Attached to this certification is an accompanying statement explaining how the Company's procedures ensure that the Company is in compliance with the requirements (including those mandating the adoption of CPNI procedures, training, recordkeeping, and supervisory review) set forth in Section 64.2001 *et seq.* of the Commission's rules.

The Company has not taken actions (*i.e.*, proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission) against data brokers in the past year. The steps the Company has taken to protect CPNI include updating its CPNI practices and procedures and conducting new training designed to ensure compliance with the FCC's modified CPNI rules.

The Company has not received customer complaints in the past year concerning the unauthorized release of CPNI.

The Company represents and warrants that the above certification is consistent with 47 C.F.R. §1.17 which requires truthful and accurate statements to the Commission. The Company also acknowledges that false statements and misrepresentations to the Commission are punishable under Title 18 of the U.S. Code and may subject it to enforcement action.

Signed



Katherine K. Mudge
Executive Vice President & General Counsel
GC Pivotal, LLC d/b/a Global Capacity

Executed: February 26, 2016

**STATEMENT OF POLICY IN TREATMENT OF
CUSTOMER PROPRIETARY NETWORK INFORMATION**

1. It is GC Pivotal, LLC d/b/a Global Capacity ("Global Capacity" or "Company") policy not to use CPNI for any activity other than permitted by law. Any disclosure of CPNI to other parties (such as affiliates, vendors, and agents) occurs only if it is necessary to conduct a legitimate business activity related to the services already provided by the company to the customer. If the Company is not required by law to disclose the CPNI or if the intended use does not fall within one of the carve outs, the Company will first obtain the customer's consent prior to using the CPNI.
2. Global Capacity follows industry-standard practices to prevent unauthorized access to CPNI by a person other than the subscriber or Global Capacity. However, Global Capacity cannot guarantee that these practices will prevent every unauthorized attempt to access, use, or disclose personally identifiable information. Therefore:
 - A. If an unauthorized disclosure were to occur, Global Capacity shall provide notification of the breach within seven (7) days to the United States Secret Service ("USSS") and the Federal Bureau of Investigation ("FBI").
 - B. Global Capacity shall wait an additional seven (7) days from its government notice prior to notifying the affected customers of the breach.
 - C. Notwithstanding the provisions in subparagraph B above, Global Capacity shall not wait the additional seven (7) days to notify its customers if Global Capacity determines there is an immediate risk of irreparable harm to the customers.
 - D. Global Capacity shall maintain records of discovered breaches for a period of at least two (2) years.
3. All employees will be trained as to when they are, and are not, authorized to use CPNI upon employment with the Company and annually thereafter.
 - A. Specifically, Global Capacity shall prohibit its personnel from releasing CPNI based upon a customer-initiated telephone call except under the following three (3) circumstances;
 - (1) When the customer has pre-established a password;
 - (2) When the information requested by the customer is to be sent to the customer's address of record; or
 - (3) When Global Capacity calls the customer's telephone number of record and discusses the information with the party initially identified by customer when service was initiated.
 - B. Global Capacity may use CPNI for the following purposes:
 - (1) To initiate, render, maintain, repair, bill and collect for services;
 - (2) To protect its property rights; or to protect its subscribers or other carriers from fraudulent, abusive, or the unlawful use of, or subscription to, such services;
 - (3) To provide inbound telemarketing, referral or administrative services to the customer during a customer initiated call and with the customer's informed consent;
 - (4) To market additional services to customer that are within the same categories of service to which the customer already subscribes;
 - (5) To market services formerly known as adjunct-to-basic services; and
 - (6) To market additional services to customers with the receipt of informed consent via the use of opt-in or opt-out, as applicable.
4. Prior to allowing access to Customer's individually identifiable CPNI to Global Capacity's joint venturers or independent contractors, Global Capacity will require, in order to safeguard that

information, their entry into both confidentiality agreements that ensure compliance with this Statement and shall obtain opt-in consent from a customer prior to disclosing the information. In addition, Global Capacity requires all outside dealers and agents to acknowledge and certify that they may only use CPNI for the purpose for which that information has been provided.

5. Global Capacity requires express written authorization from the end-use customer prior to dispensing CPNI to new carriers, except as otherwise required by law.
6. Global Capacity does not market, share, or otherwise sell CPNI information to any third party.
7. Global Capacity maintains a record of its own and its affiliates' sales and marketing campaigns that use Global Capacity's customers' CPNI. The record will include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as part of the campaign.
 - A. Prior commencement of a sales or marketing campaign that utilizes CPNI, Global Capacity establishes the status of a customer's CPNI approval. The following sets forth the procedure followed by Global Capacity.
 - B. Prior to any solicitation for customer approval, Global Capacity will notify customers of their right to restrict the use of, disclosure of, and access to their CPNI.
 - C. Global Capacity will use opt-in approval for any instance in which Global Capacity must obtain customer approval prior to using, disclosing, or permitting access to CPNI.
 - D. A customer's approval or disapproval remains in effect until the customer revokes or limits such approval or disapproval.
 - E. Records of approvals are maintained for at least one year.
 - F. Global Capacity provides individual notice to customers when soliciting approval to use, disclose, or permit access to CPNI.
 - G. The content of Global Capacity's CPNI notices comply with FCC rule 64.2008(c).
8. Global Capacity has implemented a system to obtain approval and informed consent from its customers prior to the use of CPNI for marketing purposes. This system allows for the status of a customer's CPNI approval to be clearly established prior to the use of CPNI.
9. Global Capacity has a supervisory review process regarding compliance with the CPNI rules for outbound marketing situations and will maintain compliance records for at least one year. Specifically, Global Capacity's sales personnel will obtain express approval of any proposed outbound marketing request for customer approval of the use of CPNI by the General Counsel of Global Capacity.
10. Global Capacity notifies customers immediately of any account changes, including address of record, authentication, online account and password related changes.
11. Global Capacity may negotiate alternative authentication procedures for services that Global Capacity provides to business customers that have a dedicated account representative and a contract that specifically addresses Global Capacity's protection of CPNI.
12. Global Capacity is prepared to provide written notice within five business days to the FCC of any instance where the opt-in mechanisms do not work properly to such a degree that consumer's inability to opt-in is more than an anomaly.